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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

VINCENZO MAZZAMUTO,
Plaintiff,

CIVIL ACTION
NO. 1:CV-01-1157

v.

UNUMPROVIDENT
CORPORATION, et al.,
Defendants

JUDGE CONNER

FILED
HARRISBURG, PA

DEC 06 2002

MARY E. D'ANDREA, CLERK
Per _____
Deputy Clerk

**DEFENDANTS' RESPONSE IN
OPPOSITION TO PLAINTIFF'S MOTION TO REOPEN DISCOVERY,
FILE AN AMENDED COMPLAINT, AND EXTEND DEADLINES**

Defendants UNUMProvident Corporation, Paul Revere Life Insurance Company and New York Life Insurance Company ("Defendants") hereby respond in opposition to plaintiff's motion to reopen discovery, file an amended complaint, and extend deadlines.

Plaintiff's motion should be denied for the reasons set forth in the accompanying memorandum of law which is incorporated herein in its entirety.

By way of further answer to the averments contained in plaintiff's motion,

Defendants respond as follows:

1. Admitted in part and denied in part. It is admitted only that plaintiff filed a complaint containing the referenced allegations. It is denied that plaintiff is entitled to disability benefits or that defendants acted in bad faith.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted in part and denied in part. It is admitted only that plaintiff sought to extend the deadline for filing an export report. The remaining averments in paragraph 5 of plaintiff's motion are denied.

6. Admitted.

7. Admitted.

8. Admitted in part and denied in part. It is admitted only that the referenced television tabloid aired the referenced program. It is denied that the referenced program provided an accurate portrayal of UNUMProvident Corporation or its subsidiaries.

9. Admitted in part and denied in part. It is admitted only that the referenced television tabloid aired the referenced program. It is denied that the referenced program provided an accurate portrayal of UNUMProvident Corporation or its subsidiaries.

10. Admitted in part and denied in part. It is admitted only that the referenced television tabloid and media reports attached to plaintiff's motion referred to the decision by a Magistrate Judge, which has been or will be appealed, in the Hangarter case. It is denied that the Hangarter case is in any way relevant to plaintiff's claims here or is a legally or factually accurate or proper decision.

11. Admitted in part and denied in part. It is admitted only that the Magistrate Judge in the Hangarter case made the referenced finding. It is denied that the Hangarter case is in any way relevant to plaintiff's claims here or is a legally or factually accurate or proper decision.

12. Admitted in part and denied in part. It is admitted only that two of the defendants in the Hangarter case are defendants here. It is denied that the Hangarter case is in any way relevant to plaintiff's claims here or is a legally or factually accurate or proper decision or that there is any good faith basis for plaintiff's incorrect assertion that the facts and conclusions of law "appear on the surface to be the same."

13. Admitted in part and denied in part. It is admitted only that Pennsylvania has an Unfair Insurance Practices Act which has been found not relevant to the question of whether an insurer acted in bad faith. Dinner v. United Services Automobile Assoc., No. 01-1299, 2002 U.S. App. LEXIS 3408 (3d Cir. Jan. 24, 2002). The remaining averments in paragraph 13 of plaintiff's motion are denied.

14. Denied.

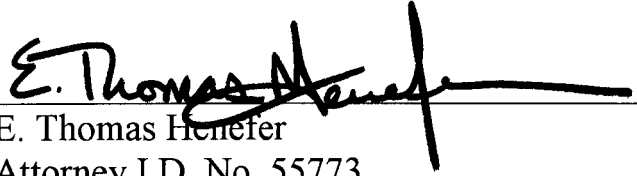
WHEREFORE, for the reasons set forth above and in the accompanying Memorandum of Law, which is incorporated herein in its entirety, Defendants respectfully request this Court to deny Plaintiff's motion to reopen

discovery, file an amended complaint, and extend deadlines.

Dated: December 5, 2002

STEVENS & LEE

By



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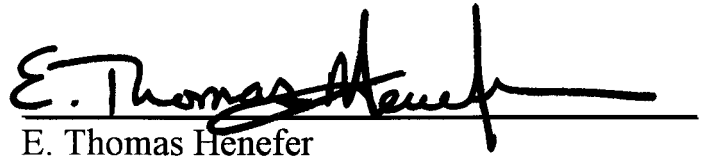
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Attorneys for Defendants UNUM Provident
Corporation, Paul Revere Insurance Company,
and New York Life Insurance Company

CERTIFICATE OF SERVICE

I, E. THOMAS HENEFER, Esquire, certify that on this date, I served a certified true and correct copy of the foregoing RESPONSE IN OPPOSITION upon the following counsel of record, by first class mail, postage prepaid, addressed as follows:

Richard C. Angino, Esquire
4503 North Front Street
Harrisburg, PA 17110-1708


E. Thomas Henefer

Date: December 5, 2002